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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Seventy-first session

Summary record of the 1655th meeting*
Held at the Palais des Nations, Geneva, on Thursday, 8 November 2018, at 10 a.m.

Chair: Ms. Leinarte

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* No summary records were issued for the 1652nd to 1654th meetings.

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The meeting was called to order at 10.05 a.m.

Informal meeting with States parties

1. **The Chair** said that the Committee had made tremendous progress in its efforts to monitor the implementation of the Convention and to implement General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system. However, the work of the Committee was hampered by the fact that its staffing support had not kept pace with the growth in its workload. During its seventieth session, in 2018, the Committee had endorsed the Guidelines against Intimidation or Reprisals and had appointed a rapporteur and an alternate rapporteur on intimidation or reprisals to ensure that the Guidelines would be effectively implemented. In July 2018, the Committee had entered into a framework of cooperation with the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, under which the Committee and the Special Representative would seek to advance the rights of women and girls by combating conflict-related sexual violence and supporting the implementation of the Security Council resolutions on women and peace and security and the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.

2. In August 2018, the Committee and the Committee on the Rights of Persons with Disabilities had issued a joint statement entitled "Guaranteeing sexual and reproductive health and rights for all women, in particular women with disabilities". In July 2017, the Committee had adopted general recommendation No. 35 (2017) on gender-based violence against women, which extended the scope of violence against women to include all forms of gender-based violence. The Committee had adopted general recommendation No. 36 (2017) on the right of girls and women to education, which clarified the obligation of State parties to ensure that quality education, in a safe environment, was accessible and affordable for all women and girls and that efforts were made to eradicate harmful gender stereotypes from educational settings. In March 2018, the Committee had adopted general recommendation No. 37 (2018) on gender-related dimensions of disaster risk reduction in the context of climate change, which provided guidance to States parties on ways of achieving gender equality as a means of reinforcing the resilience of women and communities in the context of climate-induced disasters. The general recommendation also recognized the need to reinforce the various international agendas on disaster-risk reduction, climate change, sustainable development and human rights, including the United Nations Framework Convention on Climate Change, the Paris Agreement, the Sustainable Development Goals and the Sendai Framework for Disaster Risk Reduction.

3. The Committee had begun the process of drafting a general recommendation on trafficking in women and girls in the context of global migration, which would address the gender dimensions of trafficking, including the risk factors that exposed women and girls to sexual exploitation and abuse and the responsibility of States parties for tackling organized crime, including the illicit financial flows that fuelled the trafficking of women and girls.

4. On 17 July 2018, the Supreme Court of Spain had issued a landmark ruling in relation to the Committee's decision in the case of *Angela González Carreño v. Spain* (CEDAW/C/58/D/47/2012). In its judgment, the Court had recognized that the Views of the Committee were binding on the authorities of Spain, thereby providing other jurisdictions with authoritative guidance on the enforceability of decisions taken by treaty bodies.

5. **Ms. Hayashi** said that, in 2018, the Committee had decided to reintroduce the simplified reporting procedure as part of its efforts to enhance the harmonization of working methods across the treaty bodies. In order to be eligible for the simplified reporting procedure, States parties were required to have submitted an initial report under the regular procedure and to have submitted an updated common core document within the previous five years. Before adopting a formal decision on the latter requirement, the Committee would wait to learn the outcome of the meeting to be held in December 2018 on harmonizing reporting procedures. The Committee had decided to restrict to three per session the number of States parties that would be allowed to follow the simplified reporting procedure.

6. Steps had been taken to update the Committee's reporting guidelines in order to take account of the many developments that had taken place since their adoption in 2009, which included the adoption of a number of new general recommendations and the 2030 Agenda for Sustainable Development.

7. During its sixty-ninth session, the Committee had decided that the assessment of States parties' follow-up to its concluding observations should take into account the degree of implementation of the recommendations concerned and the quality of the information provided by the State party. In that regard, the Committee would determine whether the quality of information received was satisfactory, partially satisfactory or unsatisfactory or no response had been received and whether its recommendations had been substantially implemented, partially implemented or not implemented or it lacked sufficient information to be able to make an assessment.

8. **Ms. Schulz** said that the Committee had registered 135 individual communications, in relation to which it had found a violation by a State party in 28 cases and no violation in 5 cases. A total of 39 communications had been declared inadmissible, mainly for failure to exhaust domestic remedies or to adequately substantiate the complaint, and 14 had been discontinued. The Committee currently adopted between 9 and 12 decisions per year on the basis of the preparatory work carried out by the Petitions Unit. Although the Committee welcomed the fact that, from 2019, the Petitions Unit would prepare 15 draft decisions per year, it was concerned to note that the Unit was understaffed, which adversely affected the Committee's ability to handle communications more quickly and exposed the staff of the Unit to unsustainable working conditions.

9. The Committee was currently handling 12 non-refoulement cases in which interim measures had been implemented. The majority of countries respected such measures and suspended deportation of the authors of communications until the Committee had adopted its Views, which typically took between two and four years. Although most non-refoulement cases were found to be inadmissible, the Committee was required to examine each case with care. During the current session, the Committee had taken steps to establish a better balance between non-refoulement cases and those relating to other issues.

10. In view of the fact that States parties and authors often failed to provide responses, or did so only after lengthy delays, the Committee would take steps to shorten such delays and reduce the number of reminders that it sent before deciding, in exceptional cases, to examine a communication in the absence of the State party's response or to discontinue a case when the author had failed to respond. In order to streamline the procedure, the number of written submissions exchanged between authors and States parties would be reduced.

11. In the light of the fact that States parties often failed to provide information on steps taken to implement the Committee's recommendations, or did so only after the stipulated time period had elapsed, the Committee had revised its procedures for handling follow-up and had identified measures that would enable such procedures to be completed more quickly on the basis of clearly defined criteria. The Committee would continue asking for meetings with the Permanent Missions of States parties in order to discuss the implementation of its recommendations. During the current session, the Working Group on Communications under the Optional Protocol had formalized its working methods with a view to improving the handling of cases.

12. **Ms. Gbedemah** said that the Working Group on Inquiries under the Optional Protocol had produced a comprehensive standard operating procedure and various guidelines to ensure that potential authors of inquiries would know how to engage with the inquiry process. In order to alleviate the burden on States parties, the Working Group had taken steps to harmonize its approach to inquiries with that of other treaty bodies. To date, 109 States parties had ratified the Optional Protocol and 16 requests for inquiries had been received by the Committee. A total of four inquiries had been discontinued for failing to meet the threshold under article 8 of the Optional Protocol, a visit was pending in relation to seven inquiries and follow-up measures were being conducted in relation to four inquiries on which the Committee had issued a report. The average time that elapsed between the receipt of a request for an inquiry and the visit to the State party concerned was

between three and four years, which prevented the Committee from adequately responding to serious cases.

13. Constraints on financial and human resources prevented the Committee from undertaking more than one visit per year, which was regrettable as inquiries related to grave and systematic violations of human rights that required urgent attention. States parties were often slow to provide their observations on submissions or to consent to a State visit.

14. **Ms. Ameline** said that, in adopting Sustainable Development Goal No. 5 on achieving gender equality and empowering all women and girls, the Member States had recognized and reaffirmed the role of women's rights in the achievement of sustainable development. The Convention constituted the basis of the strategy for ensuring women's empowerment, which was the key to the success of the Sustainable Development Goals. The Convention was not only the universal normative framework for the promotion and protection of the fundamental rights of women but also an operational road map for the effective implementation of equality. For that reason, the Committee was fully engaged with the implementation of the Sustainable Development Goals.

15. She wished to emphasize the close connections between the Convention and the 2030 Agenda and the need for effective legal frameworks, rigorous enforcement of laws, comprehensive data collection, genuine women's leadership and special temporary measures and respect for the right to equality in the family and economic and social rights. The working group on the assessment of Goal indicator 5.1.1 — whether or not legal frameworks were in place to promote, enforce and monitor equality and non-discrimination on the basis of sex — should be institutionalized and the Sustainable Development Goals should be taken into account at all stages of the reporting procedure and in the Committee's general recommendations. Guidelines on the consideration of the issues addressed by the Goals in the work of the Committee had been drawn up. In order to ensure that the Goals were met, it would also be essential to mobilize the private sector and civil society, to consider matters at a regional level and to mobilize all the stakeholders concerned.

16. **Ms. Raz Shechter** (Israel) said that she wished to pay tribute to Ms. Halperin-Kaddari, who had worked tirelessly to fulfil her duties and promote the rights of women. Ms. Halperin-Kaddari had led the Committee's successful adoption of general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution and, as the first Chair of the Working Group on Inquiries, had participated in the establishment of the procedures and guidelines that governed the work of the Group. Israel had welcomed the opportunity to engage in the interactive dialogue with the Committee that had taken place in 2017 under the simplified reporting procedure. The Government had taken note of the Committee's recommendations and was currently working to implement many of them.

17. **Ms. Gutierrez Alvaro** (Argentina) said that, following the interactive dialogue between Argentina and the Committee in 2016, the Government had been working to implement the recommendations made and to meet the Sustainable Development Goals in accordance with the 2030 Agenda. The National Women's Institute, established in 2017, was taking steps to implement the third National Open Government Action Plan, whose purpose was to establish spaces in which citizens and the State could interact and to enhance collaboration with civil society throughout the different stages of public policy development. In order to mainstream the gender perspective, the Government was working to consolidate a State covenant for equality, in accordance with which efforts were being made to draw up the first National Plan for Equality of Opportunity and Rights. The National Women's Institute was collaborating actively with UN-Women, the International Labour Organization and the European Union on the implementation in Argentina of the "Win-Win: Gender Equality Is Good Business" project.

18. The laws adopted with a view to implementing the Committee's general recommendation No. 35 (2017) included Act 27.210 establishing the Attorneys for Victims of Gender Violence Unit; Act No. 27.352, amending article 119 of the Criminal Code on sexual abuse; and Act 27.363 on the divestment of the parental responsibility of persons convicted of femicide.

19. Measures were being taken to implement the National Plan of Action for the Prevention and Eradication of Violence against Women and the Provision of Victim Assistance, which would establish a number of measures and actions aimed at eradicating violence against women. The National Women's Institute had set up a working group to monitor the implementation of the recommendations made by the Committee and steps had been taken to establish a National Directorate on Gender Policy and a Specialized Unit on Violence against Women. Various training and capacity-building programmes were being launched with a view to implementing the Committee's general recommendation No. 36 (2017) on the right of girls and women to education. Furthermore, a number of government departments were working to implement Security Council resolution 1325 (2000) on women and peace and security.

20. **Ms. Alfaro Castillo** (Colombia) said that, in view of the fact that a delegation representing Colombia would be appearing before the Committee in 2019, the Ministry of Foreign Affairs, in conjunction with the Counsellor for Women and UN-Women Colombia, was taking steps to raise awareness of the Convention and was working with local, regional and national authorities to promote dialogue and build institutional capacities. The signing of the peace agreement in Colombia, which had incorporated a gender perspective, had been essential in improving the work of civil society and women's organizations and establishing a new institutional framework for the fight against all forms of discrimination against women.

21. **Ms. González** (Chile) said that, for the purpose of implementing the Committee's concluding observations, the Government of Chile would be grateful to receive any information on the points at which the Convention and the Sustainable Development Goals intersected.

22. The Government welcomed the efforts being made to harmonize the working methods of the human rights treaty bodies and the Committee's decision to reinstate the simplified reporting procedure. However, it found it regrettable that the Committee required States parties to update their common core document at least once every five years in order to qualify for the procedure. She asked whether the requirement was imposed by all the treaty bodies and said that the bodies should cooperate with one another to avoid duplication in their concluding observations, or, failing that, ensure that States parties were informed when such duplication occurred.

23. **Ms. D'Orlandi** (Italy) said that her country firmly supported the Committee's work and, as a newly elected member of the Human Rights Council for the period 2019–2021, would continue to advocate the protection and promotion of women's rights, gender equality and women's empowerment, which it considered to be key priorities.

24. **Mr. Peñaranda Zarate** (Costa Rica) asked what steps the Committee had taken in preparation for the 2020 review of the treaty body system and whether it had developed processes to consider the measures adopted by States parties to implement its concluding observations.

25. **Ms. Anderson** (Canada) said that her country supported general recommendation No. 36 (2017) on the right of girls and women to education, especially the section on access to education during situations of conflict and natural disaster, the emphasis on intersectionality in general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and an increased use of the simplified reporting procedure.

26. Regarding the women and peace and security agenda, in the context of which women should be viewed not as victims but as meaningful participants at all levels of decision-making, she asked whether there had been opportunities to apply the Committee's broader gender equality framework to conflict situations, how States might provide more input in that regard, whether the Committee or other United Nations bodies had identified any trends in how States dealt with the issues addressed in general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, how stakeholders could work together more cohesively to implement the general recommendation and whether the Committee had noted any trends in how States parties reported on national action plans concerning women and peace and security.

27. **Mr. Peralta Rodas** (Paraguay) said that it would be interesting to know why the Committee treated States parties that were eligible to use the simplified reporting procedure differently to those that were not. The uncertainty surrounding its two-pronged approach to the matter was particularly worrying, given that one of the aims of General Assembly resolution 68/268 was to clarify the working methods of the human rights treaty body system. He would appreciate a description of the factors that could affect the Committee's work in the event that it universalized the simplified reporting procedure, and of the Committee's opinions and expectations regarding the review, by the Commission on the Status of Women, of the progress made in the implementation of the Beijing Declaration and Platform for Action.

28. **Mr. Heinzer** (Switzerland) said that the Committee should strengthen its cooperation with UN-Women, in particular the UN-Women Liaison Office in Geneva, and with the Special Rapporteur on violence against women, its causes and consequences. The adoption of general recommendation No. 35 reflected the value of developing synergies between the treaty bodies and the special procedures of the Human Rights Council.

29. Switzerland welcomed the signing, by the Committee, of a framework of cooperation with the Special Representative of the Secretary-General on Sexual Violence in Conflict, and attached great importance to enhancing the links between Geneva and New York, particularly with regard to human rights and peace and security. The Committee should implement the framework and systematically raise matters pertaining to the women and peace and security agenda in its dialogues with States parties, including those not directly affected by conflict.

30. **Ms. Celasin Rende** (Turkey) said that general recommendation No. 35 would, hopefully, give fresh impetus to efforts to combat violence against women, which was one of the most flagrant violations of human rights. Her country supported the use of the simplified reporting procedure across all the treaty bodies, as it facilitated a more focused dialogue and helped to save resources and time. It was crucial for States and other stakeholders to provide constant feedback in the interests of enhancing the implementation of the procedure.

31. **Ms. Mohamed** (Egypt) said that the Egyptian Constitution of 2014 contained several provisions that guaranteed equal opportunities for women and prohibited discrimination against them. The National Council for Women had led a broad, participatory process to develop a national strategy for the empowerment of women up to 2030, which had been launched by the President in March 2017. The strategy provided for laws and programmes to reduce violence against women and girls and guarantee a safe environment for the reporting of such violence. There were currently 87 women parliamentarians and eight women cabinet ministers.

32. **Ms. Skarstein** (Norway) said that her country was pleased with the simplified reporting procedure, as having a list of issues prior to reporting made the dialogue between the Committee and the State party more focused and efficient, especially when it was held soon after the submission of the report. She asked how the Committee contributed to the harmonization of working methods and urged it to adopt a comprehensive calendar of meetings and consider the possibility of coordinating its calendar with that of the universal periodic review and, if possible, those of the other treaty bodies.

33. **Ms. Steenbrugghe** (Belgium) said that, over the years, the treaty body system had grown organically and currently faced a number of challenges, which was why her country attached great importance to the treaty body strengthening process.

34. She wished to highlight two issues that had been raised in a joint statement delivered by Belgium before the Third Committee in October 2018. The first was the simplified reporting procedure, which her country believed should be applied even more widely, with the number of follow-up rounds reduced to one. The modalities of the procedure should be streamlined and harmonized, as there were inconsistencies between the treaty bodies with regard to the imposition of eligibility criteria and the capping of lists of issues prior to reporting.

35. The second issue was the reporting calendar, which should be organized in such a way as to ensure that States' obligations were spread evenly, allowing them time to meet reporting deadlines and better implement concluding observations. The report of the Geneva Academy of International Humanitarian Law and Human Rights entitled "Optimizing the UN Treaty Body System" could serve as a useful starting point for discussions on the matter. It would therefore be interesting to hear the Committee's views on the report.

36. **Ms. Ameline** said that it was helpful to hear from States about their expectations in relation to the harmonization of working methods, a process in which the Committee was fully engaged. It was important, in that regard, to take into account the delicate balance between the desire to simplify working methods and the need for the treaty bodies to implement their mandates. The harmonization process would require innovation and creativity and would be facilitated by having a clear vision of the objective being sought.

37. **Ms. Halperin-Kaddari** said that a common concern was the lack of resources at the disposal of the treaty bodies, whose staff were increasingly overburdened. Unless the situation was rectified, it would be impossible to harmonize working methods and reporting calendars or to implement many of the other proposals put forward by States.

38. **Ms. Hayashi** said that the Committee was keenly aware of General Assembly resolution 68/268 and had been taking care not to introduce any changes to its working methods that would set it apart from other treaty bodies. It had not yet had time to debate the report of the Geneva Academy of International Humanitarian Law and Human Rights but would hopefully do so during a future session.

39. **Ms. Schulz** said that the coordination of reporting calendars was not something that the treaty bodies could do themselves and was not addressed in General Assembly resolution 68/268, perhaps because of the complexity of the task. She hoped that, in the future, the treaty bodies and the Office of the United Nations High Commissioner for Human Rights could develop a systematic approach to the matter.

40. The Committee intended to incorporate the women and peace and security agenda as a thematic issue in its lists of issues and lists of issues prior to reporting.

41. **Ms. Haidar** said that the significance of the women and peace and security agenda was illustrated by the establishment of a standing task force devoted to the issue. She agreed that, in the context of the agenda, women should be treated as agents of change and that the attention of all States should be drawn to matters pertaining to the agenda.

42. During her time on the Committee, progress had been made in areas where resources had been used to encourage discussions and reflection among the treaty bodies, without which it was impossible to effect change.

43. All the options mentioned in the report of the Geneva Academy of International Humanitarian Law and Human Rights were interesting, but it was for States to decide the direction in which they wished to take the treaty body system. States also had a vital role to play in strengthening ties between the treaty bodies and the special procedures of the Human Rights Council, whose work sometimes resulted in a duplication of labour.

44. **Ms. Acar** said that, in the interests of the effective implementation of general recommendation No. 35, States should combine their efforts and resources to raise awareness of the instrument and make its provisions better understood. They should also support activities that fostered cooperation among regional mechanisms to combat gender-based violence, such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, and promote the development of similar mechanisms in regions that lacked one.

45. **The Chair** said that, although the Committee collaborated closely with UN-Women on a number of topics, including the Sustainable Development Goals, migration and trafficking, there was a need to develop more strategic ties in order for the consensus of the two bodies on almost all major issues to be conveyed to States and civil society organizations. The Committee also enjoyed good cooperation with the Working Group on

the issue of discrimination against women in law and in practice, the International Labour Organization and the World Health Organization, among others.

The meeting rose at 11.35 p.m.